REMARKS

In response to the Office Action dated November 4, 2005, the Assignee respectfully requests entry of the above amendments and the following remarks. The Assignee respectfully submits that all pending claims distinguish over the cited document to *Kramer*.

Claims 45-66 are pending in this application. Originally-presented claims 1-22 were canceled without prejudice or disclaimer by an amendment mailed August 17, 2005, and new claims 23-44 were presented. This response now cancels claims 23-44 without prejudice or disclaimer and newly presents pending claims 45-66.

In an office action mailed February 18, 2005, the United States Patent and Trademark Office (the "Office") rejected claims 1-22 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,327,574 to Kramer, *et al.* A response to this office action was mailed August 17, 2005. Another office action was mailed November 4, 2005, saying the previous response was not fully responsive. Examiner Reilly, in particular, stated that the response did not point out why claims 23-44 overcame *Kramer*.

Kramer, however, cannot anticipate new claims 45-66. These claims recite, or incorporate, features that are not disclosed or suggested by *Kramer*. Independent claim 45, for example, recites *"receiving multiple data streams, each data stream comprising a content item and at least one tag."* The at least one tag of each data stream is compared to profile tags in a user profile. Independent claim 45 then recites *"selecting one of the multiple data streams based on the evaluation"* (emphasis added). Support for such features may be found at least at page 6, lines 9-20 and at page 10, lines 5 and 21. Independent claim 45 is reproduced below, and independent claims 56 and 66 recite similar features.

45.   A method of targeting content, comprising:

receiving multiple data streams, each data stream comprising a content item and at least one tag;

storing a user profile having at least one profile tag;

evaluating the at least one tag to the at least one profile tag; and

selecting one of the multiple data streams based on the evaluation.

Kramer cannot anticipate these features. No where does *Kramer* disclose or suggest a *"selecting one of the multiple data streams based on the evaluation""* (emphasis added). Examiner Reilly is correct — *Kramer* discusses how multiple television commercials may be broadcast over a cable network, and the appropriate commercial is selected. *See* U.S. Patent 6,327,574 to Kramer, *et al.* at column 9, lines 45-53. Yet no where does *Kramer* disclose or suggest *"receiving multiple data streams"* and then *"selecting one of the multiple data streams"* based on an evaluation of tags (emphasis added). No where does *Kramer* disclose or suggest that the multiple television commercials are broadcast as multiple data streams from which a selection is made.

Kramer, then, cannot anticipate new claims 45-66. Independent claims 45, 56, and 66 all recite distinguishing features. Their respective dependent claims incorporate these same distinguishing features and recite additional features. *Kramer*, then, cannot anticipate new claims 45-66. Examiner Reilly is thus respectfully requested to recognize that new claims 45-66 cannot be anticipated by *Kramer*.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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